

18TH JUDICIAL DISTRICT COURT FOR THE PARISH OF IBERVILLE

STATE OF LOUISIANA

DOCKET NO. 78953

DIVISION "A"

AUGUST J. LEVERT, JR., FAMILY, LLC, ET AL.,

VERSUS

BP AMERICA PRODUCTION COMPANY

FILED: _____

**_____
DEPUTY CLERK**

**EX PARTE MOTION FOR VOLUNTARY SUBSTITUTION
OF DECEASED PLAINTIFF**

NOW INTO COURT, through undersigned counsel, come Plaintiffs, August J. Levert, Jr., Family, LLC, *et al.* ("Plaintiffs"), who respectfully move for voluntary substitution of Thomas James Levert and John Michael Levert for Ronald R. Levert as plaintiffs in this matter.

1. This lawsuit was filed on May 28, 2019, when individual plaintiff Ronald Raphael Levert was living.
2. Ronald Raphael Levert passed away on or about January 15, 2022. He left no children, no spouse, and no parent surviving. Thomas James Levert and John Michael Levert are his brothers.
3. On February 15, 2022, Judge Tarvald A. Smith of the 19th Judicial District Court signed an Amended Judgment of Possession in the matter of the succession of Ronald Raphael Levert. *See* attached Exhibit 1.
4. The Amended Judgment of Possession ordered that Thomas James Levert and John Michael Levert are recognized as legatees, and granted and placed into possession as owners in equal shares of Ronald Raphael Levert's property, including the property at issue in this matter. *Id.*
5. The Amended Judgment of Possession also expressly conveyed all the claims for damages made in this matter by Ronald Raphael Levert. *Id.*

6. The Amended Judgment of Possession was recorded in the Iberville Parish conveyance records. *Id.*

7. Louisiana Code of Civil Procedure article 801 provides:

When a party dies during the pendency of an action, which is not extinguished by his death, his legal successor may have himself substituted for the deceased party, on ex parte written motion supported by proof of his quality.

As used in Articles 801 through 804, "legal successor" means:

(1) The survivors designated in Article 2315.1 of the Civil Code if the action survives in their favor;

(2) Otherwise, it means the succession representative of the deceased appointed by a court of this state, if the succession is under administration therein; or the heirs and legatees of the deceased, if the deceased's succession is not under administration therein.

8. Pursuant to Louisiana Code of Civil Procedure article 801, Thomas James Levert and John Michael Levert are the legal successors of their brother, Ronald Raphael Levert, and should be substituted for Ronald Raphael Levert as plaintiffs in his matter.

WHEREFORE, Plaintiffs respectfully move to substitute Thomas James Levert and John Michael Levert, as legal successors of Ronald Raphael Levert, for Ronald Raphael Levert as plaintiffs in this matter.

Respectfully submitted,



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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on all counsel of record by hand deliver, U.S. Mail, facsimile, FedEx and/or email, this 20th day of October, 2022.



Kevin E. Huddell

18TH JUDICIAL DISTRICT COURT FOR THE PARISH OF IBERVILLE

STATE OF LOUISIANA

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DIVISION "A"

AUGUST J. LEVERT, JR., FAMILY, LLC, ET AL.,

VERSUS

BP AMERICA PRODUCTION COMPANY

ORDER

CONSIDERING THE *EX PARTE* MOTION FOR VOLUNTARY SUBSTITUTION OF DECEASED PLAINTIFF filed by Plaintiffs, August J. Levert, Jr., Family, LLC, *et al.*:

IT IS HEREBY ORDERED that the Motion is **GRANTED** and that Thomas James Levert and John Michael Levert, as legal successors of Ronald Raphael Levert, are hereby substituted for Ronald Raphael Levert as plaintiffs in this matter.

THUS DONE AND SIGNED this ____ day of _____, 2022, in _____, Louisiana.

DISTRICT COURT JUDGE

IN THE MATTER OF * PROBATE NO. P-110951 SECTION 30
 * 19th JUDICIAL DISTRICT COURT
 THE SUCCESSION OF * PARISH OF EAST BATON ROUGE
 * STATE OF LOUISIANA
 RONALD RAPHAEL LEVERT *

AMENDED JUDGMENT OF POSSESSION

Considering the foregoing verified petition, the record of this proceeding, and the last will and testament of Ronald Raphael Levert in olographic form dated August 27, 2007, it appearing to the satisfaction of the Court that the will has been duly-proved, satisfactory proof having been also submitted to the court both that no inheritance taxes are due by the legatee and that there is no necessity for further administration of this succession, the law and evidence entitling petitioner to the relief prayed for, and for the reasons this day orally assigned:

IT IS ORDERED, ADJUDGED, AND DECREED that Thomas James Levert and John Michael Levert be and are hereby recognized as particular legatees of the deceased and, as such, are hereby granted and placed them into possession, as owners in equal shares, of the deceased's interest in the property known as the August Levert Estate, the said August Levert Estate consisting of all of the deceased's right, title and interest, real and personal, in and to the following described properties:

IMMOVABLE PROPERTY

A.

WEST BATON ROUGE PARISH

1. That certain tract or parcel of ground together with all the buildings and improvements thereon situated, located in West Baton Rouge Parish, Louisiana, and being more particularly described as follows:

The East 1/2 of Sections 27 and 28, Township 8 South, Range 11 East and Lots 2 and 4 of Section 83, Township 8 South, Range 11 East in the Southwest Land District, Parish of West Baton Rouge, Louisiana, and containing 718.00 acres.

IBERVILLE PARISH

2. That certain tract or parcel of ground together with all the buildings and improvements thereon situated, located in Iberville Parish, Louisiana, and being more particularly described as follows:

Lots 1, 2, 3, and 4 of Section 34, Township 10 South, Range 11 East in the Southwest Land District of Iberville Parish, Louisiana, and containing 133.56 acres.

3. An undivided one-half (1/2) interest in and to those certain tracts or parcels of ground together with all the buildings and improvements thereon



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[Signature]

East Baton Rouge Parish
 Deputy Clerk of Court

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situated, located in Iberville Parish, Louisiana, and being more particularly described as follows:

- a. North 1/2 of Sections 37, 38, and 39, Township 10 South, Range 10 East and North 1/2 of Sections 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, Township 10 South, Range 11 East, all in Southwest Land District of Iberville Parish, Louisiana, and containing 1,147.54 acres.
- b. A tract of land fronting Upper Grand River with depth sufficient to make 200 acres in Sections 56, 57, 58, 59 and 60, Township 10 South, Range 11 East, Southwest Land District, Iberville Parish, Louisiana, containing 200 acres.
- c. A tract of land lying in Section 92, Township 10 South, Range 12 East, Southwest Land District, Iberville Parish, Louisiana, containing 640.24 acres.
- d. North 1/2 of Section 44 (Lots 1 and 2) and Lot 4 or West 1/2 of Northwest Quarter of Section 45 and part of Section 43 comprising Lots 5 and 6 all in Township 10 South, Range 12 East and all being in rear of Crescent Plantation known as Kleinpeter - Swamp, Southwest Land District, Iberville Parish, Louisiana, containing 355.68 acres.
- e. A tract of land lying in Section 15, Township 10 South, Range 11 East, Iberville Parish, Louisiana, containing 57.15 acres.

All of the above-described immovable properties are the same properties acquired by the deceased through Judgment of Possession rendered and signed on July 22, 1983 in the matter entitled "Succession of Genevieve Bena Levert", Docket No. 81-14742, Division "G", Civil District Court for the Parish of Orleans, and recorded at Book 346, Entry 159 of the official records of the Clerk and Recorder for the Parish of Iberville, State of Louisiana.

B.

Unliquidated claims for damages made by deceased and pending in the matters entitled: (1) "August J. Levert, Jr. Family, LLC v. BP America Production Company", Docket No. 78,953, Division "A", 18th Judicial District Court, Iberville Parish, Louisiana; and (2) "Levert, et al. v. Union Texas Int'l Corp., et al.", Docket 45335, Division "B", 18th Judicial District Court, West Baton Rouge Parish, Louisiana.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Thomas James Levert be and is hereby recognized as the sole universal legatee of the deceased and, as such, is hereby granted and placed them into possession, as owner, of all of the deceased's right, title and interest in and to the following described properties:

MOVABLE PROPERTY

1. Furniture, clothing, and personal property formerly located at deceased's apartment in Baton Rouge, Louisiana.
2. 2007 Toyota Corolla, standing in the name of the deceased and bearing VIN: 1NXBR32E67Z768248.
3. Checking Account No. 36121687378 standing



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in the names of Ronald Levert and Sharon Levert
at Capital One Bank.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all banks, trust companies, insurance companies, and all other persons, partnerships, unincorporated associations, or corporations having on deposit, or in their possession, or under their control, any money, credits, stocks, dividends, bonds, or other property depending upon or belonging to the succession of the deceased, Ronald Raphael Levert, are hereby required to deliver: [a] those of them arising from and/or accessory to the August Levert Estate in indivision unto Thomas James Levert and John Michael Levert, and [b] all of the rest of same to Thomas J. Levert as sole owner thereof.

JUDGMENT READ, RENDERED AND SIGNED in Chambers at Baton Rouge, Louisiana, this 15 day of February, 2022.

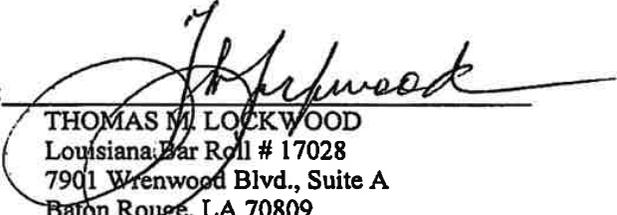


JUDGE, 19th JUDICIAL DISTRICT COURT

Judge Tarvald A. Smith

By Attorneys,

LAW OFFICE OF THOMAS M. LOCKWOOD

By: 

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